

United States Court of Appeals

FIFTH CIRCUIT
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June 02, 2016

Mr. Karl M. Terrell
Stokes Wagner Hunt Maretz & Terrell, A.L.C.
1201 W. Peachtree Street, N.W., Suite 2400
Atlanta, GA 30309

No. 16-60106 Remington Lodging v. NLRB
USDC No. 29-CA-093850
USDC No. 29-CA-095876

Dear Mr. Terrell,

The following pertains to petitioner's record excerpts electronically filed on June 1, 2016.

The record excerpts are insufficient for the following reasons and must be corrected within the next **14 days**:

1. The last 9 pages of Tab 1 are illegible. Counsel must choose from the following options-
 - a. Either re-scan the last 9 illegible pages so that they appear as legible/readable in the record excerpts;
 - b. Or, remove the illegible pages.

Note: Included in those last 9 pages is a blank page. The blank page must be removed.
2. The "Optional Contents" exceed the 40 page limitation by 176 pages (Not including the illegible pages & blank page) (See 5TH CIR. R. 30.1.6). Any document not specifically listed as Mandatory Contents in 5TH CIR. R. 30.1.4, is construed as optional by the Court. The excessive optional content must be removed or reduced to 40 pages or less. The Table of Contents must be edited to reflect changes made to the record excerpts.

Note: If you deem the excessive optional contents as imperative, then you must electronically file a motion for leave to exceed the record excerpts optional content page limitation.

Further, counsel is also advised that it is not necessary to attempt to include in the record excerpts every document that may have been cited or referenced in the petitioner's brief. Per the Court's rules, there are select/mandatory documents that must be in record excerpts.

With that said, because this is an agency case, most of the "Mandatory Contents" listed in the aforementioned rule does not apply (as the Court's "Mandatory Contents" rule apply more to criminal cases). The ONLY mandatory content for an agency case is a copy of the order being reviewed. However, the Court will also accept the original complaint and any orders signed by the lower court/agency Judge as mandatory.

Yet, all other documents are optional, and must be reduced to 40 pages or less.

Once you have prepared your sufficient record excerpts, you must electronically file the proposed sufficient record excerpts by selecting from the Briefs category the event, Proposed Sufficient Record Excerpts, via the electronic filing system. Please do not send paper copies of the record excerpts until requested to do so by the clerk's office. The record excerpts are not sufficient until final review by the clerk's office. If the record excerpts are in compliance, paper copies will be requested and you will receive a notice of docket activity advising you that the sufficient record excerpts filing has been accepted and no further corrections are necessary.

Failure to timely docket the Proposed Sufficient Record Excerpts event may result in the dismissal of the petition for review pursuant to 5TH CIR. R. 42.3.

Respondent's brief time continues to run. The respondent's brief is due to be filed by July 5, 2016.

Sincerely,

LYLE W. CAYCE, Clerk



By: _____
Dantrell L. Johnson, Deputy Clerk
504-310-7689

cc:

Mr. David Casserly
Ms. Linda Dreeben
Ms. Elizabeth Ann Heaney